

# Fact Sheet



## *For Final Renewal Permitting Action Under 45CSR30 and Title V of the Clean Air Act*

Permit Number: **R30-00300006-2017**

Application Received: **July 19, 2016**

Plant Identification Number: **03-054-00300006**

Permittee: **Argos USA LLC**

Facility Name: **Martinsburg Plant**

Mailing Address: **1826 South Queen Street, Martinsburg, WV 25401**

*Revised: N/A*

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Physical Location:	Martinsburg, Berkeley County, West Virginia
UTM Coordinates:	243.50 km Easting • 4,369.00 km Northing • Zone 18
Directions:	Take south Queen Street Exit off of WV State Route 45 at Martinsburg. The facility is 0.5 miles south to the end of Queen Street.

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### **Facility Description**

Argos USA LLC owns and operates a cement manufacturing plant, which is characterized by SIC Codes 3241 and 1422. The plant operates a preheater/precalciner (PH/PC) kiln system that uses primary coal and petcoke. The PH/PC kiln produces cement clinker, an intermediary product of cement, which is then ground into finished cement. The nominal capacity of the plant is 2,212,890 short tons (stons) per year of clinker. Argos uses approximately 292,110 stons of coal annually and fly ash from electric power plants. Argos also has the ability to burn petroleum hydrocarbon contaminated soils that were generated onsite in the PH/PC cement kiln. The facility has the potential to operate twenty-four (24) hours a day, seven (7) days per week, and fifty-two (52) weeks per year.

## Emissions Summary

<b>Plantwide Emissions Summary [Tons per Year] <sup>1</sup></b>		
<b>Regulated Pollutants</b>	<b>Potential Emissions</b>	<b>2016 Actual Emissions</b>
Carbon Monoxide (CO)	4,458.50	1,022
Nitrogen Oxides (NO <sub>x</sub> )	4,031.75	954
Lead	0.08	0.05
Particulate Matter (PM <sub>2.5</sub> )	222.30	61
Particulate Matter (PM <sub>10</sub> )	584.65	196
Total Particulate Matter (TSP)	927.69	387
Sulfur Dioxide (SO <sub>2</sub> )	4,515.50	643
Volatile Organic Compounds (VOC)	158.78	32.3
<b>Hazardous Air Pollutants</b>	<b>Potential Emissions<sup>2</sup></b>	<b>2016 Actual Emissions</b>
Acetaldehyde	24.19	13.3
Benzene	2.81	1.52
Ethylbenzene	1.03	0.57
Formaldehyde	8.39	4.58
Fluorides	1.02	Not available
Hydrochloric acid	21.17	3.24
Styrene	1.01	0.56
Toluene	2.52	1.37
Xylenes (mixed isomers)	3.06	1.68
Aggregate HAPs	67.89	28.9

<sup>1</sup> Except for PM<sub>2.5</sub> and PM<sub>10</sub>, the potential emissions are from the renewal application and technical correspondence received in e-mail dated 5/26/2017. Potential emissions of PM<sub>2.5</sub> and PM<sub>10</sub> are based upon the limits in R14-0026M, requirement A.3., which are in Title V permit condition 4.1.2. Actual emissions are from the State and Local Emissions Inventory System (SLEIS) Total Emissions by Source Summary Report.

<sup>2</sup> The potential HAP emissions listed herein include all HAPs of at least 1-tpy. The aggregate value is the sum of those listed above, and other HAPs less than 1-tpy as specified in Attachment A – HAP PTE Inventory provided by the permittee in 5/26/2017 technical correspondence.

## Title V Program Applicability Basis

This facility has the potential to emit 4,458.5 tpy of CO; 4,031.75 tpy of NO<sub>x</sub>; 584.65 tpy of PM<sub>10</sub>; 4,515.50 tpy of SO<sub>2</sub>; 158.78 tpy of VOC; 24.19 tpy of Acetaldehyde; 21.17 tpy of Hydrochloric Acid; and 67.89 tpy of aggregate HAPs. Due to this facility's potential to emit over 100 tons per year of criteria pollutant, over 10 tons per year of a single HAP, and over 25 tons per year of aggregate HAPs, Argos USA LLC is required to have an operating permit pursuant to Title V of the Federal Clean Air Act as amended and 45CSR30.

## Legal and Factual Basis for Permit Conditions

The State and Federally-enforceable conditions of the Title V Operating Permits are based upon the requirements of the State of West Virginia Operating Permit Rule 45CSR30 for the purposes of Title V of the Federal Clean Air Act and the underlying applicable requirements in other state and federal rules.

This facility has been found to be subject to the following applicable rules:

Federal and State:	45CSR2	Control of PM from Fuel Burning Units
	45CSR5	Control of Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas
	45CSR6	Open burning prohibited.
	45CSR7	Control of PM from Manufacturing Processes
	45CSR10	Control of Air Pollution from the Emission of Sulfur Oxides
	45CSR11	Standby plans for emergency episodes.
	45CSR13	Permits for construction/modification
	45CSR14	Permits for Prevention of Significant Deterioration
	45CSR16	Standards of Performance for New Stationary Sources Pursuant to 40 C.F.R. Part 60
	WV Code § 22-5-4 (a) (14)	The Secretary can request any pertinent information such as annual emission inventory reporting.
	45CSR30	Operating permit requirement.
	45CSR34	Emission Standards for HAPs
	45CSR40	Control of Ozone Season Nitrogen Oxides Emissions
	40 C.F.R. 60 Subpart F	NSPS Portland Cement Plants
	40 C.F.R. 60 Subpart Y	NSPS Coal Preparation and Processing Plants
	40 C.F.R. 60 Subpart OOO	NSPS Nonmetallic Mineral Processing Plants
	40 C.F.R. 60 Subpart IIII	NSPS for Compression Ignition ICE
	40 C.F.R. 63 Subpart LLL	NESHAPs MACT Portland Cement Mfg.
	40 C.F.R. 63 Subpart DDDDD	NESHAPs MACT for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters
	40 C.F.R. 63 Subpart ZZZZ	NESHAPs MACT for RICE
	40 C.F.R. Part 61	Asbestos inspection and removal
	40 C.F.R. Part 82, Subpart F	Ozone depleting substances
State Only:	45CSR4	No objectionable odors.

Each State and Federally-enforceable condition of the Title V Operating Permit references the specific relevant requirements of 45CSR30 or the applicable requirement upon which it is based. Any condition of the Title V permit that is enforceable by the State but is not Federally-enforceable is identified in the Title V permit as such.

The Secretary's authority to require standards under 40 C.F.R. Part 60 (NSPS), 40 C.F.R. Part 61 (NESHAPs), and 40 C.F.R. Part 63 (NESHAPs MACT) is provided in West Virginia Code §§ 22-5-1 *et seq.*, 45CSR16, 45CSR34 and 45CSR30.

## Active Permits/Consent Orders

Permit or Consent Order Number	Date of Issuance	Permit Determinations or Amendments That Affect the Permit ( <i>if any</i> )
CO-R7-E-2016-6	April 12, 2016	
R14-0026M	April 8, 2016	

Conditions from this facility's Rule 13 permit(s) governing construction-related specifications and timing requirements will not be included in the Title V Operating Permit but will remain independently enforceable under the applicable Rule 13 permit(s). All other conditions from this facility's Rule 13 permit(s) governing the source's operation and compliance have been incorporated into this Title V permit in accordance with the "General Requirement Comparison Table," which may be downloaded from DAQ's website.

## Determinations and Justifications

1. **40 C.F.R. 60 Subpart F - *Standards of Performance for Portland Cement Plants*.** On February 12, 2013, the U.S. EPA published in the *Federal Register* the final NSPS for the Portland cement plants under 40 C.F.R. 60 Subpart F. Previously, the applicable regulation 40 C.F.R. 63 Subpart LLL had exempted any affected source subject to Subpart LLL from also being subject to NSPS Subpart F and the permittee had therefore requested and been granted a permit shield for NSPS Subpart F. However, this exemption was removed from NESHAP Subpart LLL on February 12, 2013. Therefore, all affected sources subject to NESHAP Subpart LLL are now also subject to all applicable requirements under NSPS Subpart F. Due to these changes, the permittee no longer requests a permit shield for 40 C.F.R. 60 Subpart F be included in their Title V Operating Permit. Based upon these facts, 40 C.F.R. 60 Subpart F has been removed from the permit shield in section 3.7.2. of the renewal operating permit. The application states that for existing affected sources all NSPS Subpart F requirements are either identical or more stringent within NESHAP-MACT Subpart LLL.

The following facts are relevant for further evaluation of the NSPS as it pertains to the Martinsburg plant:

- According to page 22 of 45 of the Fact Sheet for renewal permit R30-00300006-2012, DAQ considers construction to have "commenced" (as defined in 40 C.F.R. 63 Subpart A) on the new Martinsburg kiln before December 2, 2005.
- The installation of the PH/PC kiln system is not a "modification" as defined in 40 C.F.R. §60.2. According to its first page, the purpose of permit R14-0026 (effective June 2, 2005) is "to replace two existing long wet process cement kilns and associated clinker coolers with a modern precalciner kiln system and related equipment." This PSD permit was for the construction of the new PH/PC kiln and clinker.
- No underlying permit revision in R14-0026A through R14-0026M meets the definition of "Modification" in 40 C.F.R. §60.2. Therefore, neither the kiln nor the clinker cooler have undergone a modification as defined in 40 C.F.R. §60.2.

Based upon these facts, the potentially affected sources at the facility have been evaluated below to determine which, if any, of the Subpart F requirements are applicable and need to be included in the renewal operating permit.

### Standards for Kilns

#### **§60.62(a)(1) – PM requirements for kilns.**

§60.62(a)(1)(i) appears to be applicable since the PH/PC kiln was constructed after August 17, 1971 but on or before June 16, 2008. This paragraph sets the limit of 0.30 pounds per ton of feed (dry basis). However, the source is subject to the more stringent 0.07 lb/ton of clinker limitation from MACT Subpart LLL in §63.1343(b), Table 1, Item 1. Based upon the relationship of clinker production and kiln feed, the PM limitation computed using the lower numerical value of the MACT limitation based upon clinker output will always be less than the higher value of the NSPS limit based upon kiln feed input. The following table illustrates this relationship.

Year	Clinker Production (stons/year)	MACT Subpart LLL Allowable (stons)	Kiln Feed (stons/year)	NSPS Subpart F Allowable for Kiln (stons)	Kiln Feed-to-Clinker Ratio
2016	1,342,708	47.0	2,101,669	315.3	1.57
2015	1,412,658	49.4	2,147,240	322.1	1.52
2014	1,508,528	52.8	2,384,576	357.7	1.58
2013	1,482,030	51.9	2,312,368	346.9	1.56
2012	1,364,010	47.7	2,136,258	320.4	1.57

The MACT allowable for the year was computed by multiplying 0.07 lb/ton of clinker by the tons of clinker produced that year. Similarly, the NSPS allowable was computed by multiplying 0.30 lb/ton dry feed by the tons of kiln feed for that year. Since kiln feed is always greater than clinker production over a given period, and the NSPS multiplier based on kiln feed is greater than the MACT multiplier based on clinker production, the MACT is more stringent than the NSPS.

40 C.F.R. §60.62(d) reads as follows:

*If you have an affected source subject to this subpart with a different emissions limit or requirement for the same pollutant under another regulation in title 40 of this chapter, once you are in compliance with the most stringent emissions limit or requirement, you are not subject to the less stringent requirement. Until you are in compliance with the more stringent limit, the less stringent limit continues to apply.*

The source is subject to and in compliance with the more stringent PM limit for the kiln in 40 C.F.R. §63.1343(b). Therefore, in accordance with §60.62(d), the kiln is not subject to the less stringent requirement in 40 C.F.R. §60.62(a)(1)(i).

§60.62(a)(1)(ii) is not applicable since construction of the kiln commenced before June 16, 2008.

§60.62(a)(1)(iii) is not applicable since the kiln has not undergone a modification.

**§60.62(a)(2) – Opacity requirements for kilns.** The 20 percent opacity limit does not apply to any kiln subject to a PM limit in §60.62(a)(1) that uses a PM CPMS. The kiln is not subject to a PM limit in §60.62(a)(1) as demonstrated above. Further, the permittee utilizes a PM CPMS per requirement A.17. of R14-0026M in renewal condition 4.1.22. According to 5/26/2017 technical correspondence received from the permittee, the facility utilizes a PM CPMS installed on the main stack to demonstrate compliance with the PM limit. Therefore, the kiln is not subject to this opacity limit in §60.62(a)(2).

**§60.62(a)(3) – NO<sub>x</sub> requirements for kilns.** This requirement applies if construction, reconstruction, or modification of the kiln commences after June 16, 2008. Since construction of the PH/PC kiln commenced before June 16, 2008, this NO<sub>x</sub> requirement is not applicable.

**§60.62(a)(4) – SO<sub>2</sub> requirements for kilns.** This requirement applies if construction, reconstruction, or modification of the kiln commences after June 16, 2008. Since construction of the PH/PC kiln commenced before June 16, 2008, this SO<sub>2</sub> requirement is not applicable.

**Standards for Clinker Coolers**

**§60.62(b)(1) – PM requirements for clinker coolers.**

§60.62(b)(1)(i) is not applicable since construction of the clinker cooler commenced before June 16, 2008.

§60.62(b)(1)(ii) is not applicable since the clinker cooler has not undergone a modification.

The limit of 0.10 lb per ton of feed (dry basis) in §60.62(b)(1)(iii) appears to be applicable since the PH/PC kiln was constructed after August 17, 1971 but on or before June 16, 2008. This paragraph sets the limit of 0.10 pounds per ton of feed (dry basis). However, the source is subject to the more stringent 0.07 lb/ton of clinker limitation from MACT Subpart LLL in §63.1343(b), Table 1, Item 7. Based upon the relationship of clinker production and kiln feed, the PM limitation computed using the lower numerical value of the MACT limitation based upon clinker output will always be less than the higher value of the NSPS limit based upon kiln feed input. The following table illustrates this relationship.

Year	Clinker Production (tons/year)	MACT Subpart LLL Allowable (tons)	Kiln Feed (tons/year)	NSPS Subpart F Allowable for Clinker Cooler (tons)	Kiln Feed-to-Clinker Ratio
2016	1,342,708	47.0	2,101,669	105.1	1.57
2015	1,412,658	49.4	2,147,240	107.4	1.52
2014	1,508,528	52.8	2,384,576	119.2	1.58
2013	1,482,030	51.9	2,312,368	115.6	1.56
2012	1,364,010	47.7	2,136,258	106.8	1.57

The MACT allowable for the year was computed by multiplying 0.07 lb/ton of clinker by the tons of clinker produced that year. Similarly, the NSPS allowable was computed by multiplying 0.10 lb/ton dry feed by the tons of kiln feed for that year. Since kiln feed is always greater than clinker production over a given period, and the NSPS multiplier based on kiln feed is greater than the MACT multiplier based on clinker production, the MACT is more stringent than the NSPS.

The source is subject to and in compliance with the more stringent PM limit for the clinker cooler in 40 C.F.R. §63.1343(b). Therefore, in accordance with §60.62(d), the kiln is not subject to the less stringent requirement in 40 C.F.R. §60.62(b)(1)(iii).

The clinker cooler is subject to and in compliance with the PM limit in Subpart LLL that is more stringent than the PM limit in §60.62(b)(1)(iii), and according to 5/26/2017 technical correspondence utilizes a PM CPMS to demonstrate compliance with the limitation. Therefore, the opacity standard in 40 C.F.R. §60.62(b)(1)(iv) is not applicable.

### Standards for Affected Sources other than Kilns and Clinker Coolers

#### **§60.62(c) – Opacity limitation.**

Conditions 3.1.19. and 3.1.20. cite §60.62(c) in the current operating permit, and were included when the 2012 operating permit renewal was issued. This was a mistake at that time since the permit shield included NSPS Subpart F. However, based upon the exemption from Subpart F being removed, the requirement is applicable. The NSPS opacity limit is 10 percent, as is the underlying MACT opacity limit. Condition 3.1.19. pertains to raw and finish mills, while 3.1.20. applies to various types of storage bins, transfer points, bagging systems, and bulk loading and unloading systems. The requirement in §60.62(c) is for any affected facility other than the kiln and clinker cooler, which would apply to the affected facilities in conditions 3.1.19. and 3.1.20. Finally, since the limits are the same in both regulations, there is no streamlining required and the exemption in §60.62(d) does not apply.

The table below examines the monitoring, recordkeeping, and reporting in NSPS Subpart F.

<b>Subpart F Section</b>	<b>Title V</b>	<b>Discussion</b>
<b>Monitoring of Operations</b>		
§60.63(a)	None	This paragraph is reserved in the regulation; therefore, no permit condition is warranted.
§60.63(b)	None	This performance test requirement applies to a kiln subject to a Subpart F emissions limitation on PM, NO <sub>x</sub> , or SO <sub>2</sub> . Since the kiln is not subject to any of these, this requirement is not applicable.
§60.63(c)(1)	None	The kiln and clinker cooler are not subject to a PM emissions limit from Subpart F as discussed above; therefore, this initial performance test requirement is not applicable and no permit condition is warranted.
§60.63(c)(2)	None	§60.63(c)(2) establishes certain requirements for a PM CPMS that is required by the last statement in §60.63(c)(1), which is not applicable. Since §60.63(c)(1) is not applicable, then the requirements of §60.63(c)(2) are not applicable.
§60.63(c)(3)	None	Same rationale as for §60.63(c)(2).
§60.63(c)(4)	None	Same rationale as for §60.63(c)(2).
§60.63(c)(5)	None	Same rationale as for §60.63(c)(2).
§60.63(c)(6)	None	Same rationale as for §60.63(c)(2).
§60.63(c)(7)	None	Same rationale as for §60.63(c)(1).
§60.63(c)(8)	None	Same rationale as for §60.63(c)(2).
§60.63(d)	None	This CEMS requirement is not applicable since the kiln is not subject to a NO <sub>x</sub> limit in §60.62(a)(3).
§60.63(e)	None	This CEMS requirement is not applicable since the kiln is not subject to a SO <sub>2</sub> limit in §60.62(a)(4).
§60.63(f)	None	This requirement is not applicable since the kiln is not subject to §§60.63(d) and (e).
§60.63(g)	None	This requirement is not applicable since the kiln is not subject to CPMS or CEMS requirements in §§60.63(c) through (e).
§60.63(h)	None	This requirement is not applicable since the kiln and clinker cooler are not subject to the respective PM emissions limits in §60.62(a)(1)(ii) and (iii) and (b)(1)(i) and (ii), the NO <sub>x</sub> emissions limit in §60.62(a)(3), or the SO <sub>2</sub> emissions limit in §60.62(a)(4).

<b>Subpart F Section</b>	<b>Title V</b>	<b>Discussion</b>
§60.63(i)	None	This requirement is not applicable since the performance testing under §60.63(b) are not applicable. Similarly, the requirement is not applicable since the kiln is not subject to the PM CPMS requirements in §60.63(c)(2).
<b>Test Methods and Procedures</b>		
§60.64(a)	None	This requirement specifying methods and procedures is not applicable since the performance testing and CEMS requirements in §60.63(b) and §§60.63(d) and (e), are not applicable.
§60.64(b)(1)	None	The kiln and clinker cooler are not subject to Subpart F PM standards in §60.62; therefore, this requirement is not applicable.
§60.64(b)(2)	None	The kiln and clinker cooler are not subject to Subpart F opacity standards; therefore, this requirement is not applicable.
§60.64(b)(3)	3.2.7.	This requirement for sources other than kilns that are subject to the 10 percent opacity limit is already in current permit condition 3.2.7. In addition, the current permit condition cites §60.64(b)(4), which has been changed to §60.64(b)(3) to reflect Subpart F (note that §60.64(b)(4) does not exist).
§60.64(c)	None	This requirement is not applicable since the kiln is not subject to a Subpart F NO <sub>x</sub> or SO <sub>2</sub> emission limitation.
§60.64(d)(1)	None	This requirement is not applicable since Subpart F performance testing is not applicable.
§60.64(d)(2)	None	This requirement is not applicable since the kiln is not subject to Subpart F CEMS requirements.
§60.64(d)(3)	None	This requirement is not applicable since Subpart F performance testing and PM CPMS requirements are not applicable as discussed above.
§60.64(d)(4)	None	This requirement is not applicable since Subpart F reporting requirements are not applicable as discussed below.
<b>Recordkeeping and Reporting Requirements</b>		
§60.65(a)	None	This requirement is not applicable since the permittee is not required under Subpart F to utilize CPMS or CEMS under §§60.63(c) through (e).
§60.65(b)	None	This requirement is not applicable since the permittee is not subject to the provisions under §§60.63(c) through (e).
§60.65(c)	None	The scenario under this paragraph is not applicable at the time of this renewal; therefore, no permit condition is warranted.



2. **40 C.F.R. 63 Subpart LLL - National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.** The facility is subject to the applicable requirements of this regulation, and they are in the current Title V permit. The table below discusses the changes which have been made to the existing Subpart LLL requirements already included in the Title V permit.

Subpart LLL Section	Title V	Discussion
§63.1343(b)(1)	3.1.19.	The row number has been changed from 16 to 13 in the citation of authority.
§63.1345	3.1.20.	The emission unit group EU3, and control devices CD31.01, CD31.02, CD31.03, and CD22.09 have been added to the list of affected sources in the citation of authority.
§63.1343(b)(1)	3.1.22. 3.1.26. 3.1.27.	<ul style="list-style-type: none"> <li>The effective date has been changed from November 8, 2010, to February 12, 2013.</li> <li>The compliance date has been changed from September 9, 2013, to September 9, 2015.</li> <li>The current language “or a new compliance date set by U.S. EPA” has been deleted.</li> <li>The NOCS requirement has been removed from the first paragraph with the corresponding citation of authority §63.1353(b)(5). In 5/26/2017 technical correspondence, the permittee stated that it has submitted an initial notice of compliance (NOC) for PM and THC/OHAP to the WV DEP on July 15, 2016. The initial NOC for mercury was submitted to WV DEP on January 26, 2017. The initial NOC for HCl was submitted to WV DEP on April 16, 2017.</li> <li>The tables in the current permit for normal operation and startup/shutdown have been deleted and replaced by a table that sets forth the applicable requirements from Table 1 to Subpart LLL. Row 1 for existing kilns is applicable for PM, Hg, and THC. Since the facility is not existing for D/F (see Note below), the requirement for D/F from Row 1 is not included in the first row of the table in the permit condition. Row 2 is applicable since the kiln is existing for HCl located at a major source of HAP. Row 3 is applicable for startup and shutdown work practices. Row 4 is applicable for D/F only since the kiln is considered new for D/F. Row 6 is applicable since the source is new for D/F. Rows 7 and 8 are applicable to the existing clinker cooler PM emissions. Row 13 is applicable since the facility operates raw and finish mills, but its contents are embodied in current condition 3.1.19.; therefore, row 13 has been excluded from the table in condition 3.1.22.</li> </ul> <p><b>Note:</b> The complete definition of a “New source” in §63.1341 is “any source that commenced construction or reconstruction after May 6, 2009, for purposes of determining the applicability of the kiln, clinker cooler and raw material dryer emissions limits for mercury, PM, THC, and HCl.” Since this definition does not include D/F, another definition must be utilized for determining whether the source is new or existing for D/F.</p>

Subpart LLL Section	Title V	Discussion
		<p>Subpart LLL defines a “<i>New brownfield kiln, in-line kiln raw mill, or raw material dryer</i>” as a kiln, in-line kiln/raw mill or raw material dryer for which construction is commenced at a plant site (where kilns and/or in-line kiln/raw mills were in operation prior to March 24, 1998) after March 24, 1998. According to Table E-1 of the renewal application, construction commenced on the affected sources in November 2005. Since construction of the PH/PC kiln system was commenced after March 24, 1998, and kilns were in operation prior to March 24, 1998, the PH/PC kiln meets this definition of a new brownfield kiln (or simply, new kiln, as this terminology is used in Table 1 under §63.1343(b)(1)) for the pollutant D/F.</p> <p>At the time of writing this renewal permit, the limit for a new kiln and existing kiln are both 0.2 ng/dscm (TEQ) with a 7 percent oxygen correction factor. There is no differentiation between existing and new kilns for all D/F performance testing and monitoring requirements in Subpart LLL. In addition, the work practices for existing kilns and new kilns are the same in §63.1346(g).</p> <p>While the limits are the same, and there is no practical difference in testing and MRR for new kilns and existing kilns with respect to the pollutant D/F, based upon the complete definitions given above, WVDAQ maintains its determination that the PH/PC kiln is a new kiln for the pollutant D/F. Note that this determination was previously made by WVDAQ in the Fact Sheet for the 2012 Title V renewal permit. Based upon this information, the new kiln D/F limit, and new kiln work practices specific to D/F, will remain in permit condition 3.1.22. as rows 4 and 6 in Table 1, respectively.</p> <ul style="list-style-type: none"> <li>• The work practice standards in §63.1346(g) and §63.1348(b)(9) have been added to the permit as renewal permit conditions 3.1.26. and 3.1.27., respectively.</li> <li>• The table footnotes have been added to the condition.</li> <li>• The row numbers have been updated in the citation of authority.</li> <li>• The underlying PSD permit requirement has been added to the citation of authority.</li> </ul>
§63.1348(a)(2)	3.1.24.	<p>Condition 3.1.24. of the current Title V permit is for demonstrating initial compliance for opacity from affected sources other than kilns, inline kiln/raw mills, clinker coolers, raw material dryers, and raw and finish mills. Even though initial compliance has been demonstrated, and there are no ongoing requirements in this condition, the requirement has been retained in the permit at the permittee’s request (8/21/2017 e-mail) in the event this is also applicable to any future affected sources permitted at the facility.</p>

Subpart LLL Section	Title V	Discussion
§63.1348(a)(3)	3.1.25.	Condition 3.1.25. of the current Title V permit is for demonstrating initial compliance for D/F. Even though initial compliance has been demonstrated, and there are no ongoing requirements in this condition, the requirement has been retained in the permit at the permittee's request (8/21/2017 e-mail) in the event this is also applicable to any future affected sources permitted at the facility.
§63.1347(a)(1)	3.2.1.(1)	The reference to 40 C.F.R. §§ 63.1343 through 63.1348 has been deleted and replaced with language from the current regulation.
§§63.1350(f)(1)(i) through (vii)	3.2.1.(4)	<ul style="list-style-type: none"> <li>• In condition 3.2.1.(4), the reference has been changed from 3.2.1(4)(i) through (iv) to 3.2.1(4)(i) through (vii). In addition, the reference to §§ 63.1350(a)(4)(i) through (a)(4) has been changed to §§ 63.1350(f)(1)(i) through (f)(1)(vii).</li> <li>• In condition 3.2.1.(4)(i), the specified duration of 1-minute has been changed to a 10-minute visible emissions test to reflect the current regulation.</li> <li>• In condition 3.2.1.(4)(iv), the language "a 6-minute test of opacity" has been replaced with "30 minutes of opacity observations, recorded at 15-second intervals" to reflect the current regulation.</li> <li>• In condition 3.2.1.(4)(vi), the reference to §§63.1350 (a) (4)(i) through (iv) has been changed to §§63.1350(f)(1)(i) through (f)(1)(iv). The reference to §63.1350(a)(4)(vii) has been changed to §63.1350(f)(1)(vii).</li> <li>• In condition 3.2.1.(4)(vii), the reference to Section 3.2.1(4)(i) has been changed to Section 3.2.1(4)(i) through (iv). Similarly, the reference to §63.1350(a)(4)(i) has been changed to §§63.1350(f)(1)(i) through (f)(1)(iv). The specified duration of 1-minute has been changed to a 10-minute visible emissions test to reflect the current regulation. The statement "The test must be conducted under normal operating conditions" has been deleted to reflect the current regulation.</li> <li>• The citation of authority has been changed from §63.1350(a) to §63.1350(f)(1).</li> </ul>
§63.1348(b)(3)	3.2.2.	<ul style="list-style-type: none"> <li>• The language "and COM" in introductory paragraph has been deleted since as of September, 2016, the PH/PC kiln that vents to the main stack is no longer subject to an opacity standard that requires the use of a COMS. Instead it is now subject to a more stringent particulate matter standard requiring the use of a continuous parametric monitoring system (CPMS). Therefore, a COMS is no longer installed on the main stack at the Martinsburg Plant according to 5/26/2017 technical correspondence. The remaining language in 3.2.2. applies to Finish Mill 1 and 2, which each utilize COMS to demonstrate compliance with their 10% opacity limit under §63.1345. Therefore, the remainder of the condition is unchanged.</li> <li>• In the second paragraph, the parenthetical reference to condition 3.1.20. has been changed to 3.1.19. Raw and</li> </ul>

Subpart LLL Section	Title V	Discussion
		<p>finish mills have a 10% opacity limit requirement listed in both §63.1345 and §63.1343(b)(1). Condition 3.1.19 discusses the finish mill opacity limit from §63.1343(b)(1). Condition 3.1.20 discusses the opacity limit from §63.1345, but does not specifically mention that finish mills are also subject to this opacity limit. Condition 3.2.2 discusses continuous compliance with opacity limits by installing and operating a COMS. §63.1350(f)(4) allows the daily Method 22 monitoring requirements for a raw mill or finish mill to be waived if the source is equipped with a COMS or BLDS. As discussed in the preceding bulleted paragraph, Finish Mills 1 and 2 are each equipped with a COMS. Therefore, it is more appropriate for condition 3.2.2 to reference condition 3.1.19, since it specifically lists the opacity limit for finish mills.</p> <ul style="list-style-type: none"> <li>• In the second paragraph, the language beginning with “based on the maximum 6-minute...” has been added.</li> <li>• In the citation of authority EP42.04 has been deleted and CD44.09 and CD44.12 have been added.</li> </ul>
§63.1350(g)	3.2.5.	The italicized note regarding the compliance date at the end of the condition has been deleted since the compliance date has passed.
§63.1350(k)	3.2.8.	The current citation of authority is §63.1350(k). However, in the current rule, this section is for Hg CEMS. The language regarding PM CEMS previously contained in §63.1350(k) was removed entirely when the revised NESHAP for the PC MACT was published in the federal register on February 12, 2013 under 40 C.F.R. 63 Subpart LLL. Therefore, the language in condition 3.2.8 has been deleted and the condition has been reserved for this renewal. The PM CPMS requirements under PC MACT are already discussed in detail under condition 3.3.3.
§63.6(e)	3.2.11.	Per Table 1 to Subpart LLL, the requirements of 40 C.F.R. §63.6(e) are no longer applicable to sources subject to Subpart LLL. As of September 9, 2015, the operation and maintenance plan must address periods of startup and shutdown. The operation and maintenance plan is in permit condition 3.2.1. For these reasons, the requirements in 3.2.11. have been deleted and the condition number reserved.
§§63.1350(p)(1) and (4)	3.2.15.	The compliance date has passed; therefore, the note has been deleted. A reference to Appendix A has been added at the end of the condition.
§63.1349(b)	3.3.3.	The language in this permit condition has been updated to reflect the applicable requirements in the current regulation.
§63.1349(c)	3.3.4.	The language in this permit condition has been removed and the condition has been reserved. The requirements of §63.1349(c) are in condition 3.3.5.
§63.1349(c)	3.3.5.	The language in this permit condition has been updated to reflect the applicable requirements in the current regulation.
§63.1348(c)	3.3.6.(2)(iv)	The language in this permit condition has been updated to reflect the language in the current regulation.

Subpart LLL Section	Title V	Discussion
§63.1355(e)	3.4.7.	The recordkeeping requirement of this paragraph has been incorporated into the renewal permit.
§63.1355(f)	3.4.8.	The recordkeeping requirement of this paragraph has been incorporated into the renewal permit.
§63.1355(g)	3.4.9.	The recordkeeping requirement of this paragraph has been incorporated into the renewal permit.
§63.1355(h)	3.4.10.	The recordkeeping requirement of this paragraph has been incorporated into the renewal permit.
§63.1353(b)(6)	3.5.10.(6)	This applicable requirement has been added to permit condition 3.5.10.
§§63.1354(b)(4) and (5)	3.5.11.(4) and (5)	The permit condition has been modified to reflect the current regulation.
§63.1354(b)(9)	3.5.11.(9)	<ul style="list-style-type: none"> <li>• The introductory paragraph has been modified to reflect the current regulation.</li> <li>• The requirements in 3.5.11.(9)(ii) have been modified to reflect the current regulation.</li> <li>• The requirements in 3.5.11.(9)(iv) have been modified to reflect the current regulation.</li> <li>• The requirements in 3.5.11.(9)(v) have been incorporated into the condition to replace current condition (vi) to reflect the current regulation.</li> <li>• The requirements in 3.5.11.(9)(vi) have been modified to reflect the current regulation.</li> <li>• The requirements 3.5.11.(9)(vii) through (x) have been incorporated into the condition to reflect the current regulation.</li> </ul>
§63.1354(c)	3.5.12.	The requirements of this section have been modified to reflect the current regulation.
§63.6(e)	4.1.3.	The plan has been changed from “Startup, Shutdown, and Malfunction” to “Operations and Maintenance” to reflect condition 3.2.1. The reference to Section 3.2.12. in the citation of authority has been changed to 3.2.1.
§63.1343(b)	4.1.5.	The content of this condition has been deleted and reserved since the applicable kiln PM and D/F limitations are specified in renewal permit condition 3.1.22., Table 1, Rows 1 and 4.
§63.1346(a)	4.1.6.	The reference to the D/F limit in 4.1.5. has been changed to 3.1.22. The corresponding braced reference to the regulation has been changed from “§§ 63.1343(b) or (e)” to “§§ 63.1343(a) and (b)” because §63.1343(a) qualifies the numerical limit in §63.1343(b).
§63.1343(b)	4.1.30.	The content of this condition has been deleted and reserved since the applicable clinker cooler PM limitation is specified in renewal permit condition 3.1.22., Table 1, Rows 7 and 8.

The requirements of §§63.1349(d) and (e) have been added as permit conditions 3.3.7. and 3.3.8., respectively.

40 C.F.R. §63.1347(a) requires the permittee to prepare, for each affected source subject to the provisions of this subpart, a written operations and maintenance plan. The plan must be submitted to the Administrator for review and approval as part of the application for a part 70 permit and must include the information in §§63.1347(a)(1) through (3). With this renewal application, the permittee provided an Operation and Maintenance Plan as Attachment K in the application. The plan has been reviewed by the writer and includes the information in §§63.1347(a)(1) through (3). The regulation does not require the plan be incorporated into, or appended to, the operating permit. Therefore, no further action has been taken regarding the plan.

3. **45CSR40 – Control of Ozone Season Nitrogen Oxides Emissions.** Many of the requirements of this rule have been deleted, but not those applicable to cement manufacturing kilns that are contained in the current operating permit. This being the case, the section and subsection numbers for the applicable requirements have been revised in the following conditions and their citations of authority:

Condition	Content of Condition	Citation of Authority
4.1.32.	Rule section has been changed from 100 to 10.	Subsection has been changed from 100.3. to 10.1
4.2.6.		Subsection has been changed from 100.6.a. to 10.4.a.
4.4.7.		Subsection has been changed from 100.7. to 10.5.
4.5.5.	Rule section has been changed from 100.3 to 10.1.	Subsection has been changed from 100.5.b. to 10.3.b.

4. **Emission Units Table.** The following changes have been made to the emission units table in Section 1.1. of the renewal permit based upon information provided by the permittee in Attachment J of the renewal application.

- a. Under the section for Pyroprocessing EU3:
  - i. A row for control device CD42.07 has been added before the row for EP42.07.
  - ii. Control device CD42.07 has been added to the row for EP42.07.
- b. Under the section for Clinker Handling and Storage EU4:
  - i. A row for EP43.21 has been added before the row for CD43.21.
  - ii. A row for EP43.19 has been added before the row for CD43.19.
- c. Under the section for Cement Production EU6:
  - i. In the row for EP43.14, the control device CD43.20 has been deleted.
  - ii. In the row for EP43.15, the control device CD43.20 has been deleted.
  - iii. A row for EP43.20 has been added before the row for CD43.20.
  - iv. A row for EP43.17 has been added before the row for CD43.17.
  - v. A row for EP44.18 has been added before the row for CD44.18.
  - vi. A row for EP44.19 has been added before the row for CD44.19.
  - vii. A row for EP44.17 has been added before the row for CD44.17.

5. **Consent Order No. CO-R7-E-2016-6.** This consent order (CO) was entered after an NOV was issued to the permittee for emitting gases and/or particulate matter in excess of ten percent opacity from the Clinker Handling and Storage emission unit equipment. The Order for Compliance section of the CO has been reviewed, and the applicable requirements from it have been incorporated into the Clinker Handling and Storage – EU4 portion of the renewal operating permit as discussed below.

In the “Other Provisions” section of the consent order, item 9 states, “This Order shall terminate upon Essroc’s completion of all the requirements described in this Order with the exception of Order of Compliance #4, which shall be incorporated into Essroc’s Title V permit.” Item 4 in the Order for Compliance is visible emissions and opacity monitoring requirements, which have been incorporated into this renewal Title V permit as condition 4.2.8. In addition, items 2 and 3 for eliminating source of air leakage and maintaining a minimum amount of replacement bags will not be incorporated into this renewal permit since “Other Provision” item 9 does not specify that these must be included in the operating permit and that the Order terminates except for item 4. Based upon exchange of information with the permittee related to compliance with the consent order, Mr. Brian Tephabock of DAQ Compliance and Enforcement generated a Closure Document for this consent order, officially terminating the order on August 29, 2016.

6. **Consent Decree in Civil Action No. 2:11-cv-01650-DSC, *United States, et al. v. Essroc Cement Corp adv.*, DOJ Case No. 90-5-2-1-09608.** The permittee is named as the defendant in this Consent Decree. The following facts are relevant to the status of incorporating the applicable requirements in the Consent Decree into the Title V permit. As demonstrated below, the Consent Decree requirements have been incorporated into the current operating permit.

- The Title V renewal permit R30-00300006-2012 was issued on January 19, 2012. The renewal was issued with the requirements of underlying PSD permit R14-0026G, that had been issued on November 11, 2011.
- The Consent Decree was filed on February 16, 2012.
- Paragraph 17 of the Consent Decree establishes NO<sub>x</sub> control technology and an emission limit for Martinsburg Kiln 1, as well as the date required, which are applicable to the permittee.
  - The NO<sub>x</sub> limit is included in requirement A.17. of the PSD permit, and in the Title V permit condition 4.1.22.
  - The requirement for SNCR control technology for NO<sub>x</sub> is included in requirement A.19. of the PSD permit, and in the Title V permit as condition 4.1.25.
- Paragraph 20 through 23 of the Consent Decree establishes NO<sub>x</sub> continuous emission monitoring systems requirements for Martinsburg Kiln 1, which is applicable to the permittee.
  - The requirement to operate CEMS to measure the emissions of NO<sub>x</sub> from the kiln is included in requirement B.11. of the PSD permit, and is included in the Title V permit as condition 4.2.4.
- Paragraph 24 of the Consent Decree establishes SO<sub>2</sub> control technology and an emission limit for Martinsburg Kiln 1, as well as the date required, which are applicable to the permittee.
  - The SO<sub>2</sub> limit is included in requirement A.17. of the PSD permit, and in the Title V permit condition 4.1.22.

- Paragraph 25 of the Consent Decree requires continuous operation of dry scrubber technology and for the permittee to propose a 30-day rolling average emission limit for SO<sub>2</sub> no less stringent than 1.50 lb/ton of clinker.
  - The requirement for dry scrubber control technology for SO<sub>2</sub> is included in requirement 4.1.20. of the PSD permit, and is included in the Title V permit as condition 4.1.20.
- Paragraph 26 through 29 of the Consent Decree establishes SO<sub>2</sub> continuous emission monitoring system requirements for Martinsburg Kiln 1, which is applicable to the permittee.
  - The requirement to operate CEMS to measure the emissions of SO<sub>2</sub> from the kiln is included in requirement B.11. of the PSD permit, and is included in the Title V permit as condition 4.2.4.
- Paragraph 36 of the Consent Decree states, “Where any compliance obligation under this Consent Decree requires Essroc to obtain a federal, State, or local permit or approval Essroc shall submit a timely and complete application for such permit or approval and take all other actions necessary to obtain all such permits or approvals, allowing for all legally required processing and review including requests for additional information by the permitting or approval authority.”
- Paragraph 37 of the Consent Decree states, “In addition to having first obtained any required preconstruction permits or other approvals pursuant to Paragraph 36 above, Essroc, within 12 months after the Commencement of operation of each Control Technology required to be installed, upgraded, or operated on a Kiln under this Consent Decree, shall apply to the Affected State to include the requirements and limitations enumerated in this Consent Decree in a construction permit or other permit or approval (other than a Title V permit) which is federally enforceable, issued under the SIP of the Affected State, and issued under authority independent of the Affected State’s authority to issue Title V permits.”
- Paragraph 38 of the Consent Decree states, “Upon issuance of a permit by the Affected State, or in conjunction with the issuance of such permit, Essroc shall file any applications necessary to incorporate the requirements of the permit into the Title V operating permit for the relevant Facility.”
- Paragraph 39 of the Consent Decree states, “As soon as practicable, but in no event later than one hundred twenty (120) Days after the establishment of any Emission Limits pursuant to Appendix A or B, as applicable, in the Consent Decree, Essroc shall submit applications to the appropriate permitting authority to incorporate all applicable Emission Limits, and any requirements and limitations, including those in Sections VI (NO<sub>x</sub> Control Technology, Emission Limits, and Monitoring Requirements) and VII (SO<sub>2</sub> Control Technology, Emission Limits, and Monitoring Requirements) of this Decree, into federally enforceable construction or other permits (other than Title V permits) which are federally enforceable. Following submission of the permit application by Essroc to the Affected State, Essroc shall cooperate with the appropriate permitting authority by promptly submitting all information that such permitting authority seeks following its receipt of the permit application. Upon issuance of such permit or in conjunction with such permitting by the Affected State, Essroc shall file any applications necessary to incorporate the requirements of that permit into the Title V operating permit of the appropriate Facility.”
- During the current Title V permit term, the multiple revisions were made to the underlying PSD permit (i.e., R14-0026H through R14-0026M) and corresponding modifications were made to the Title V permit R30-00300006-2012. With respect to the consent decree, R14-0026J was issued on August 19, 2014. It was a Class II Administrative Update primarily to modify four (4) permitted baghouses and decommission two (2) existing baghouses. In addition, the application for this action



requested that the permit revision incorporate the NO<sub>x</sub> and SO<sub>2</sub> limits specified in the consent decree paragraphs 17 and 24, respectively. The PSD permit update included the limits in its requirement A.17, which was incorporated into the current Title V permit as action MM03. Specifically, with regard to the consent decree, the update included only the following information in Title V permit condition 4.1.22.

Source	Pollutant	Allowable	Compliance Method	Averaging Time
PH/PC Kiln System	NO <sub>x</sub>	2.15 lb/ton clinker	CEM/production data	30-day rolling average
PH/PC Kiln System	SO <sub>2</sub>	1.50 lb/ton clinker	CEM/production data	30-day rolling average

Consent decree paragraph 17 also specifies that SNCR control technology shall be utilized for NO<sub>x</sub>. This has been included in requirement A.19. of the PSD permit, and included in the Title V permit as condition 4.1.25. Similarly, consent decree paragraph 24 requires use of dry scrubber control technology for SO<sub>2</sub>, which is requirement A.14. of the PSD permit, and is included in the Title V permit as condition 4.1.20.

## 7. Miscellaneous Revisions

- a. **Permittee Name Change.** In a letter dated February 17, 2017, the Director notified Argos USA LLC that the transfer of permits R30-00300006-2012 and R14-0026M are acknowledged based upon information provided by Argos USA LLC and Essroc Italcementi Group and all associated information shall be filed under the name of Argos USA LLC. The permittee name has been changed accordingly in this operating permit renewal. Permit condition 4.3.11. has been modified for this reason.
- b. **Facility-wide Reporting Requirements.** The “boilerplate” reporting conditions 3.5.3., 3.5.5., and 3.5.6. have been revised to include information for electronic submittal.
- c. **Permit Shield Changes.** The following changes have been made to section 3.7.2. of the renewal operating permit:
  - i. The reference to Capitol Cement Corporation under 40 C.F.R. Part 72 has been changed to generically refer to the permittee.
  - ii. The shield from 45CSR1 has been deleted since the rule was repealed effective May 1, 2009, and after more than one operating permit term it is not necessary to indefinitely retain it in the permit shield.
  - iii. For reasons discussed in Item #1 above, the permit shield for 40 C.F.R. 60 Subpart F has been removed.
  - iv. 40 C.F.R. 97 Subparts AAAAA, BBBBB, and CCCCC – Transport Rule (TR) has been added to 3.7.2.

- d. **Site Specific Monitoring Plan.** Renewal application Attachment L provides the permittee's Site Specific Monitoring Plan, which is required to be developed under applicable requirements in 40 C.F.R. §63.1350(p). The permittee stated in the application that this plan supersedes the requirements listed in the 45CSR10 Monitoring Plan in the current Title V permit and is intended to replace the 45CSR10 Monitoring Plan. While the current plan is described as the 45CSR10 Monitoring Plan, practically all of the plan pertains to 40 C.F.R. 63 Subpart LLL, which does not regulate sulfur dioxide. The proposed Site Specific Monitoring Plan also includes the plant's Opacity Monitoring Plan in its Attachment A. The Site Specific Monitoring Plan has been included in the permit as Appendix A. The italicized note in condition 3.2.15. has been added to refer to Appendix A.
  - e. Application Attachment J provides a list of corrections to condition language to correct errors and omissions, which the permittee believes should be incorporated into the next revision of the Title V permit. Several of the requested changes involve direct changes to the requirements in the underlying PSD permit. These changes were not made in this renewal since the PSD permit must be revised prior the operating permit. Attachment J also requests incorporation of applicable monitoring requirements from Consent Order CO-R7-E-2016-6, issued on April 8, 2016. The consent order has been incorporated as described above.
  - f. In condition 3.2.12.a. the parenthetical language "but no less than 1 minute" has been added.
8. **40 C.F.R. 63 Subpart DDDDD – National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.** This subpart establishes national emission limitations and work practice standards for hazardous air pollutants (HAP) emitted from industrial, commercial, and institutional boilers and process heaters located at major sources of HAP. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations and work practice standards.

Affected Source Designation

The permittee operates two boilers at the site, which is a major source of HAP. In particular, the units are designated as Administrative Boiler 1 and Administrative Boiler 2, identified as emission unit IDs EP0B.01 and EP0B.02), respectively. Each unit is rated at 1.66 MMBtu/hr and do not utilize an air pollution control device. Although the fuel specified in the renewal application is Liquid Propane Gas per Table E-2, according to technical correspondence received on 6/26/2017, the units combust only natural gas.

Applicable Substantive Requirements

The boilers are existing, as they are not new since they were constructed before June 4, 2010 (§§63.7490(b) and (d)). The permittee confirmed in 6/26/2017 technical correspondence that the boilers do not qualify as any of the type of boilers in §§63.7491(a) through (n) that are not subject to Subpart DDDDD. Therefore, both units are subject to the January 31, 2016 compliance date (§63.7495(b)). Since the units burn only natural gas, they are in the subcategory "Units designed to burn gas 1 fuels" specified in §63.7499(l).

The units are subject to the requirement in §63.7500(a)(1) to meet each applicable standard in Tables 1 through 3, and 11 through 13, of Subpart DDDDD. Within these tables, the requirement that applies to the units is Item 1 in Table 3 since each unit's heat input capacity is less than 5 MMBtu/hr combusting a gas 1 fuel. Further, because the facility operates existing affected sources located at a major source of HAPs, the permittee is also subject to Item 4 in Table 3. To summarize, the substantive requirements applicable to EP0B.01 and EP0B.02 are:

- The permittee must conduct a **tune-up every five (5) years** per Item 1 in Table 3 to Subpart DDDDD. Specifically, §63.7540(a)(12) is applicable and requires the tune-up, and refers to the requirements in §63.7540(a)(10) to demonstrate continuous compliance.
- The permittee must complete a **one-time energy assessment** as required by Item 4 in Table 3.

**Incorporation of Applicable Requirements into the Title V Operating Permit**

Table DDDDD below lists the sections of Subpart DDDDD and their applicability (and non-applicability where necessary) to the affected emission units EP0B.01 and EP0B.02, and discusses how the applicable requirements are incorporated into the renewal operating permit. Based upon U.S. EPA guidance<sup>1</sup>, the permit will include all applicable emission limitations and standards, and all applicable monitoring and reporting to assure compliance with the limitations and standards. Monitoring, recordkeeping, reporting, and all other applicable requirements necessary to assure compliance with the permit terms will not be IBR. Paraphrasing of regulation language will not be utilized. However, as much as practicable, non-applicable regulatory language has been excluded from permit conditions for precision and disambiguation of the permit terms.

**Table DDDDD**

<b>Subpart DDDDD Section</b>	<b>Title V</b>	<b>Discussion</b>
§63.7495(b)	4.1.57.	The applicable compliance date requirement for existing sources is January 31, 2016. The substantive requirements for the unit are the 5-year tune-up and one-time energy assessment (cf. discussion below of §63.7500(a)), which must be complete no later than this date in accordance with §63.7510(e) (also discussed below). The permittee has completed both requirements according to 8/21/2017 technical correspondence. The initial tune-up was completed on April 4, 2017, according to the technical correspondence, while the one-time energy assessment was completed as part of the plant's Energy Star Plant Certification in 2014. The compliance date has been included as permit condition 4.1.57. Typically, this writer does not include compliance dates that are past in a renewal Title V permit. However, since there are other MACT subparts that apply to sources at the facility, the compliance date has been incorporated into the Title V permit.
§63.7495(d)	None	This section references the notification requirements in §63.7545. In particular, the requirements of §63.7545(b) are applicable, and according to 8/21/2017 technical correspondence, the permittee submitted the initial notification when a Notification of Compliance was submitted to DAQ on July 21, 2017, which the permittee stated also serves as the Initial Notification. Since at the time of this renewal the 120-day period after January 31, 2013 has passed, a permit condition with this regulation language is not warranted.
<b>Limitations and Standards</b>		
§63.7500(a)(1)	4.1.58. 4.1.59.	<b>Work Practice Standards:</b> §63.7500(a)(1) requires the permittee to meet each limit and standard in Tables 1 through 3, and 11 through 13 of Subpart DDDDD. However, the unit is not subject to the emission limits in Tables 1 and 2 or 11 through 13, or the operating limits in Table 4 in accordance with the last sentence in §63.7500(e) (discussed below). Therefore, only Table 3 work practice standards must be

<sup>1</sup> U.S. EPA's White Paper Number 2 for Improved Implementation of the Part 70 Operating Permit Program (March 5, 1996), located at <https://www.epa.gov/sites/production/files/2015-08/documents/wtppr-2.pdf> and accessed by the writer on June 26, 2017.

Subpart DDDDD Section	Title V	Discussion
		examined for burning gas 1. Item #1 of Table 3 is applicable to the unit, which requires a <b>tune-up every 5 years</b> (condition 4.1.58.). Additionally, the <b>one-time energy assessment</b> prescribed in item #4 of Table 3 is applicable since the unit is existing; is located at a major source of HAP; and it is not a limited use unit (condition 4.1.59.).
§63.7500(a)(2)	None	This paragraph is not applicable to the units.
§63.7500(a)(3)	4.1.60.	The general duty requirement in §63.7500(a)(3) is applicable and is therefore included in the permit.
§63.7500(b)	None	Neither the application nor any technical correspondence mentions any request (or intent to request) alternative work practice standards; therefore, this requirement is not applicable.
§63.7500(c)	None	This requirement is not applicable to the units since they are not limited use.
§63.7500(d)	None	This requirement is not applicable to the units since they are not in either the Gas 2 or light liquid fuel subcategories.
§63.7500(e)	4.1.58.	The units qualify for the first range of design heat input (DHI) in this requirement since they combust gas 1 fuel at a rate less than 5 MMBtu/hr. This requirement, however, simply reiterates the requirement in §63.7500(a) to conduct a tune-up every 5 years. Therefore, this requirement has been added to the citation of authority for the permit condition. Additionally, this requirement does provide that while burning gas 1, the unit is not subject to the emission limits in Tables 1 and 2 or 11 through 13, or the operating limits in Table 4, which has already been considered in the discussion of §63.7500(a).
§63.7500(f)	None	This section requires compliance with the standards at all times the affected unit is operating, except during periods of startup and shutdown during which time the permittee must comply only with Table 3 to Subpart DDDDD. However, the startup and shutdown requirements of Table 3 (items #5 and #6) are not applicable since they pertain to standards in Tables 1 or 2 or 11 through 13 of Subpart DDDDD. Moreover, the requirements to conduct a tune-up and perform a one-time energy assessment is not affected by whether the unit is normally operating, or is in a period of startup or shutdown. For these reasons, this section of the regulation does not apply.
§63.7505(a)	4.1.58. 4.1.59.	This section requires compliance with the emission limits, work practice standards, and operating limits in Subpart DDDDD. The section is cited with the conditions for the tune-up and one-time energy assessment work practice standards.
<b>Initial Compliance Requirements</b>		
§63.7510(e)	None	This section states that the initial tune-up and one-time energy assessment must be complete before the compliance date, which is January 31, 2016 per §63.7495(b).  The initial tune-up was completed on April 4, 2017, according to 8/21/2017 technical correspondence, while the one-time energy assessment was completed as part of the plant's Energy Star Plant Certification in 2014. Since these are complete, no permit condition is warranted.
§63.7515(d)	4.1.58.	This section requires the tune-ups to be no more than 61 months after the previous tune-up. Therefore, this applicable requirement has been included in the permit condition as the first bullet statement.

Subpart DDDDD Section	Title V	Discussion
§63.7515(g)	4.1.58.	The last statement in this requirement reads, “You must complete a subsequent tune-up by following the procedures described in §63.7540(a)(10)(i) through (vi) and the schedule described in §63.7540(a)(13) for units that are not operating at the time of their scheduled tune-up.” The sections referred to within this requirement have been included in the permit condition; therefore, §63.7515(g) has been added to the citation of authority for the permit condition.
§63.7530(a)	None	This section regarding initial performance tests and fuel analyses is not applicable since the units are not subject to emission limits.
§63.7530(b)	None	This section regarding performance testing and fuel analyses is not applicable since the units are not subject to emission limits, and thereby are not subject to Subpart DDDDD testing and fuel analyses.
§63.7530(c)	None	This section regarding fuel analyses is not applicable since the units are not subject to emission limits.
§63.7530(e)	None	This requirement specifies certain content of the Notification of Compliance Status (NOCS). According to 8/21/2017 technical correspondence, the permittee submitted the NOCS on July 21, 2017. No permit condition is warranted for this requirement.
§63.7530(f)	None	This requirement states the NOCS must contain the results of the initial compliance demonstration according to §63.7545(e). Since the NOCS has been submitted and there are no ongoing requirements in this section, no permit condition is warranted.
§63.7533	None	The unit is not complying using the alternative equivalent output-based emission limits as it is not subject to Subpart DDDDD emission limitations; therefore, no permit condition is warranted.
<b>Continuous Compliance Requirements</b>		
§63.7535	None	The units are not subject to a Subpart DDDDD requirement to monitor and collect data pursuant to this section.
§63.7540(a)(10)	4.1.58.	The introductory paragraph of this section does not apply to the units because they are each rated less than 10 MMBtu/hr. However, the specific requirements for tune-ups within §§63.7540(a)(10)(i) through (vi) are applicable since they are referenced in applicable requirement in §63.7540(a)(12). §63.7540(a)(10)(vi)(C) has been excluded since the unit is only capable of burning natural gas.
§63.7540(a)(11)	None	This section does not apply since the units are subject to §63.7540(a)(12).
§63.7540(a)(12)	4.1.58.	This section is applicable since the units are each rated less than 5 MMBtu/hr heat input and the units are in the units designed to burn gas 1 subcategory.
§63.7540(a)(13)	4.1.58.	This requirement allows a 30-day delay for the tune-up if the unit is not operating the day the tune-up is scheduled. Since this pertains to the tune-up it has been written as the second bullet statement in the permit condition.
§63.7540(b)	4.5.13.	The purpose of this requirement is to report deviations to applicable requirements. While the requirement reads that it pertains to emission limits and operating limits (to which the units are not subject), it also pertains to those requirements in Tables 1 through 4 or 11 through 13. The units are subject to a work practice standard in Table 3 (conditions 4.1.58.). Therefore, the condition has been written to refer to work practice standards in Table 3.

Subpart DDDDD Section	Title V	Discussion
§63.7540(c)	None	This section is not applicable since the units are not subject to Subpart DDDDD mercury limitations or standards.
§63.7540(d)	None	This section is not applicable since items #5 and #6 in Table 3 apply to units subject to emission limits in Table 1 or 2 or 11 through 13 to Subpart DDDDD, to which the units in this case are not subject.
<b>Notification, Reports, and Records</b>		
§63.7545(a)	None	<p>§§63.7(b) and (c) are not applicable since the units are not subject to Subpart DDDDD performance testing.</p> <p>§63.8(e) is not applicable since no CMS is utilized.</p> <p>§§63.8(f)(4) and (6) are not applicable since neither an alternative monitoring method, nor an alternative to the relative accuracy test is utilized.</p> <p>Among §§63.9(b) through (h), only the NOCS requirement of §63.9(h) is applicable. However, since the NOCS has been submitted and there are no ongoing requirements in this section, no permit condition is warranted.</p>
§63.7545(b)	None	This operating permit renewal is past the 120-day period after January 31, 2013; therefore, no permit condition is required.
§63.7545(c)	None	This section is not applicable since the units were constructed prior to January 31, 2013.
§63.7545(d)	None	This section is not applicable since the units are not subject to a Subpart DDDDD performance testing requirement.
§63.7545(e)	None	Since the facility is not required to conduct an initial compliance demonstration as specified in §63.7530 for boilers EP0B.01 and EP0B.02, then only the information in §63.7545(e)(1) and (8) is required for the NOCS. However, since the NOCS has been submitted and there are no ongoing requirements in this section, no permit condition is warranted.
§63.7545(f)	None	This requirement is not applicable since the permittee does not intend to use a fuel other than natural gas.
§63.7545(g)	None	This section is not applicable since the units do not combust solid waste.
§63.7545(h)	None	This requirement is not applicable since the units do not combust any fuel other than natural gas.
§63.7550(a)	4.5.14.	This section points to Table 9 of Subpart DDDDD, which requires a compliance report. The requirements in Table 9 are based on items that can vary as to applicability. Therefore, the condition is written based on applicable requirements in Table 9. Non-applicable language (e.g., emission limits, operating limits, startups/shutdowns, and CMS-related) is excluded from the condition. Furthermore, since the units are subject to the 5-year frequency for tune-ups, the compliance report frequency will be submitted at the same frequency.
§63.7550(b)	4.5.14.	The requirements of this section are referenced by §63.7550(a), Table 9. Since the unit is on a 5-year tune-up frequency, the applicable language of §63.7550(b)(1) through (5) are included in condition 4.5.14.

Subpart DDDDD Section	Title V	Discussion
§63.7550(c)	4.5.14.a.	The requirements of this section are referenced by §63.7550(a), Table 9, item 1.a. Only certain sections of the requirements in §63.7550(c)(1) through (5) are applicable. Requirement §63.7550(c)(2) is not applicable since fuel analyses is not utilized. Requirement §63.7550(c)(3) is not applicable since there are no applicable emission limits and performance testing is not utilized. Requirement §63.7550(c)(4) is not applicable since there are no applicable emission limits and a CMS is not utilized. Only §63.7550(c)(1) is applicable, which references §63.7550(c)(5). §63.7550(c)(1) specifies that paragraphs §63.7550(c)(5)(i) through (iii), (xiv), and (xvii) apply. Since the unit is not limited use, §63.7550(c)(5)(iv) is not applicable per §63.7550(c)(1).
§63.7550(d)	None	This section is not applicable since the units are not subject to Subpart DDDDD emission limits.
§63.7550(e)	None	This section is not applicable since the units are not subject to a Subpart DDDDD emission limit, operating limit, or CMS requirement.
§63.7550(f)	None	This section is reserved.
§63.7550(g)	None	This section is reserved.
§63.7550(h)(1)	None	This requirement is not applicable since no Subpart DDDDD performance test is required.
§63.7550(h)(2)	None	This requirement is not applicable since no CEMS is utilized or required by Subpart DDDDD.
§63.7550(h)(3)	4.5.14.	Since this requirement pertains to the report required by Table 9 of Subpart DDDDD, then it is also written with the compliance report condition.
§63.7555(a)	4.4.15.	This applicable recordkeeping requirement is set forth as a permit condition. The language in this paragraph refers to semiannual compliance reports. The permittee is required to submit a compliance report every 5 years based upon the applicable tune-up frequency. To clarify that the permittee is not subject to a semiannual compliance report under Subpart DDDDD, an italicized note has been added to refer to the 5-year frequency specified in condition 4.5.14.
§63.7555(b)	None	This section is not applicable since CEMS, COMS, and CMS are not utilized.
§63.7555(c)	None	None of the requirements in this section, or Table 8 that it references, are applicable since the units are not subject to emission limitations and are not equipped with air pollution control devices.
§63.7555(d)	None	This section is not applicable since the units are not subject to emission limitations and operating limitations in Tables 1, 2, or 11 through 13 of Subpart DDDDD.
§63.7555(e)	None	This section is not applicable since the units are not subject to emission limitations, and thus emissions averaging is not applicable.
§63.7555(f)	None	This section is not applicable since efficiency credits are not being utilized.
§63.7555(g)	None	This section is not applicable since the units are not required to meet the specification for mercury.
§63.7555(h)	None	This section is not applicable since the units will not use an alternative fuel other than natural gas.
§63.7560	4.4.16.	These applicable recordkeeping requirements are set forth as a permit condition.

Other requirements in Subpart DDDDD not addressed in the table above are not applicable to emission units EP0B.01 and EP0B.02 for one or more of the following reasons:

- The units are not new or reconstructed, as these terms are specified in §§63.7490(b) and (c).
- The units are not an EGU.
- The units are not subject to pollutant emission limits pursuant to 40 C.F.R. 63 Subpart DDDDD.
- The units are not equipped with an add-on air pollution control device.
- The fuel subcategory for the requirement does not apply to the units.
- The heat input range for the requirement does not apply to the units.
- The units are not a *limited-use boiler or process heater*, as this term is defined in §63.7575.
- The units do not combust another gas 1 fuel.
- The units do not utilize a CMS, CEMS, COMS, or CPMS to comply with any Subpart DDDDD requirement.

9. **45CSR2 – To Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchangers.** The Administrative boilers 1 and 2 (EU IDs: EP0B.01 and EP0B.02) are subject to this rule. The opacity standard and means of compliance in 45CSR§§2-3.1. and 3.2. are applicable and have been incorporated into the renewal permit as conditions 4.1.61. and 4.1.62. The units are not subject to the weight rate standard and monitoring, testing, recordkeeping due to meeting to the exception in 45CSR§2-11.1.
10. **45CSR10 – To Prevent and Control Air Pollution from the Emission of Sulfur Oxides.** Multiple sources at the facility are potentially subject to the requirements of this rule.

Kiln System – Inline Raw Mill/PH/PC Kiln/Clinker Cooler

The kiln system is subject to the SO<sub>2</sub> monitoring requirements in 45CSR§10-8.2.c., and is required by R14-0026M, B.11., to utilize an SO<sub>2</sub> CEMS operated in compliance with the USEPA Part 60, Appendix B, Performance Specification 2. As such, the SO<sub>2</sub> CEMS shall be deemed to fulfill the requirements of a monitoring plan in accordance with 45CSR§10-8.2.c.1. Consequently, no 45CSR10 monitoring plan for the kiln system has been included in the renewal permit.

Administrative Boilers

The Administrative boilers 1 and 2 (EU IDs: EP0B.01 and EP0B.02) are subject to this rule, but none of the requirements apply due to meeting the exception in 45CSR§10-10.1. for units less than 10 MMBtu/hr design heat input. For this reason, no permit condition has been written for the boilers based upon 45CSR10. This rule has not been included in the non-applicability determinations section of this Fact Sheet, or in the Permit Shield section 3.7.2. because other emission units at the site are subject to requirements in the rule.

Finish Mill 1 and 2 Air Heater

The Finish Mill 1 and 2 Air Heater (EP44.16) is a direct-fired unit according to Table E-2 of the renewal application. However, the SO<sub>2</sub> weight emission rate limit in 45CSR§10-3 applies to “fuel burning units”, which per 45CSR§10-2.8. produce heat or power by indirect heat transfer. Since the air heater does not meet the applicability criteria, the SO<sub>2</sub> weight emission rate limit in 45CSR§10-3 does not apply to the Finish Mill 1 and 2 Air Heater.

The Finish Mill 1 and 2 Air Heater (EP44.16) is a “source operation” as defined in 45CSR§10-2.19. As such, it is subject to the 2,000 ppmv SO<sub>2</sub> concentration limitation in 45CSR§10-4.1. Therefore, EP44.16 has been added to the citation of authority in permit condition 4.1.34. However, EP44.16 combusts only diesel and natural gas. Since diesel is a distillate oil, EP44.16 meets the exemption criteria in 45CSR§10-10.3., and therefore, the monitoring in 45CSR§10-8 (which includes monitoring plans) is not applicable to EP44.16. For this reason, EP44.16 has not been added to conditions 4.1.35., 4.2.7., and 4.3.7.



Mobile Limestone Crushers and Rail Transloader

Mobile Limestone Crushers (EP37.15) and Rail Transloader (EP45.16) are subject to the 2,000 ppmv SO<sub>2</sub> concentration limit under 45CSR§10-4.1. as they all have a PTE greater than 500 lb/year of SO<sub>2</sub> and therefore do not qualify for the exemption from the 2,000 ppmv limit under 45CSR§10-4.1.e. However, since these sources combust diesel fuel (a distillate oil) they are exempt from the testing, monitoring, recordkeeping, and reporting requirements of 45CSR§10-8 (including monitoring plans) in accordance with the exemption in 45CSR§10-10.3. Therefore, EP37.15 and EP45.16 have been added to the citation of authority in permit condition 4.1.34., but have not been added to conditions 4.1.35., 4.2.7., and 4.3.7.

Finish Mills 1, 2, and 3

The three finish mills EP44.09, EP44.12 and EP19.02 have been added to the citations of authority in permit conditions 4.1.34., 4.1.35., and 4.2.7. since these Finish Mill Source IDs are listed in current permit condition 4.3.7.

11. **40 C.F.R. 63 Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.** Emergency generator engine (EU ID: EP0G.01) is subject to this subpart. EP0G.01 electrical output is rated at 1,000 kW, its construction commenced in November 2005 and was installed October 3, 2009 per Table E-1 in renewal application. The engine is rated at 1,341 hp per Table E-2 in the renewal application.

The engine is a *New source* per §63.6590(a)(2)(i) since it is greater than 500 bhp at a major source of HAP and construction commenced after December 19, 2002 in November 2005 per Table E-1 of renewal application. §63.6675 defines *Limited use stationary RICE* as any stationary RICE that operates less than 100 hours per year. Since Table E-14 in the application for R14-0026C states that emissions are based upon operating 500 hour/year, then EP0G.01 is not a *Limited use stationary RICE* as defined in Subpart ZZZZ. §63.6590(b) makes provision for Stationary RICE subject to limited requirements. An affected source that meets either of the criteria in §§63.6590(b)(1)(i) through (ii) does not have to meet the requirements of Subpart ZZZZ and of Subpart A except for the initial notification requirements of §63.6645(f). In 6/26/2017 technical correspondence, the permittee confirmed that the engine EP0G.01 meets the criteria in §63.6590(b)(1)(i), as it is a new emergency stationary RICE with a site rating of more than 500 bhp located at a major source of HAP emissions that does not operate for the purposes specified in §§63.6640(f)(2)(ii) and (iii) (i.e., emergency demand response and periods of deviation of voltage or frequency of 5 percent or greater). The permittee confirmed that the engine meets the criteria in §63.6590(b)(1)(i), and is therefore subject only to the initial notification requirements in §63.6645(f), which have been included in the renewal Title V permit as condition 4.5.15.

In addition, the permittee noted in 6/26/2017 technical correspondence that per §63.6600(c), an emergency stationary RICE with a rating of greater than 500 HP at a major source of HAPs is not subject to any emission limitations under this subpart.

Finally, the permittee noted in the 6/26/2017 technical correspondence that per §63.6640(f), an emergency stationary RICE must be operated according to (f)(1) through (f)(4). In accordance with §63.6640(f)(2), the permittee stated in technical correspondence that it will not operate the emergency generator for more than 100 hours per calendar year for maintenance, testing, or other non-emergency situations. The proposed 500 hours of operation in the potential emissions inventory accounts for this 100 hours of non-emergency usage and up to 400 hours of emergency usage in order to estimate potential emissions. This stipulation from §63.6640(f) has been added to the renewal Title V permit as condition 4.1.63. However, the non-applicable requirement for area sources of HAP in §63.6640(f)(4) has not been referenced in the condition.

Mobile Limestone Crushers Operations

The current operating permit contains certain applicable requirements for the permitted Mobile Limestone Crushers Operations (Em. Unit ID EP37.15) within Quarry and Crushing EU1. However, according to technical 8/21/2017 correspondence, construction of the Mobile Limestone Crushers Operations has not been commenced. Mobile Limestone Crushers Operations are designed to utilize one (1) CI engine rated at 440 hp and two (2) CI engines rated at 415 hp each. The engines are subject to 40 C.F.R. 63 Subpart ZZZZ. Per 40 C.F.R. §63.6590(c), any stationary CI RICE that meets the criteria of §63.6590(c)(1) through (7), must meet the requirements of Subpart ZZZZ by meeting the requirements of 40 C.F.R. 60 Subpart IIII and no further requirements under Subpart ZZZZ apply. The Mobile Limestone Crusher engines will meet the requirements of §63.6590(c)(7), as they are new CI stationary RICE with a site rating of less than or equal to 500 hp at a major source of HAP emissions. The Subpart IIII requirements already have been incorporated into the operating permit as conditions 4.1.50. through 4.1.55., 4.3.5., and 4.5.17. However, the current citations of §63.6590(c)(1) in conditions 4.1.50. through 4.1.55., and 4.3.5., are incorrect since §63.6590(c)(1) is for RICE located at an area source. Since the permittee is a major source, the correct citation is §63.6590(c)(7). The citation has been corrected in conditions 4.1.50. through 4.1.55., and 4.3.5. It has been added to permit condition 4.5.17. along with the corresponding state rule 45CSR34.

12. **40 C.F.R. 60 Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.** The emergency generator engine (EU ID: EP0G.01) is subject to this subpart. The electrical output of the generator EP0G.01 is 1,000 kW, and its construction commenced in November 2005, but was installed October 3, 2009 per Table E-1 in renewal application. The engine is rated at 1,341 hp per Table E-2 in the renewal application. According to 6/26/2017 technical correspondence from the permittee, the emergency generator is equipped with a Caterpillar diesel engine Model C32, Serial SYC03404, is model year 2008, and was manufactured on June 30, 2008. The permittee stated the engine is certified in compliance with EPA Tier 2 emission limits for model year 2008.

Construction commenced in November 2005 per Table E-1 in renewal application; therefore, §60.4200(a)(2) applies. Since the emergency generator engine was manufactured after April 1, 2006, the owner/operator requirements of §60.4200(a)(2)(i) are applicable.

§60.4200(a)(4) applies since construction was commenced after July 11, 2005. This means the provisions of §60.4208 are applicable, which are deadlines for importing or installing stationary CI ICE. Since the engine was manufactured on June 30, 2008, which is before December 31, 2008, it meets the deadline. However, this deadline requirement does not need to be embodied in a permit condition since the engine meets the deadline which is now passed.

The model year of the engine is 2008. Therefore, it is not a pre-2007 model year emergency stationary CI ICE and §60.4205(a) is not applicable.

§60.4205(b) is applicable, and requires the engine to comply with emission standards for new nonroad CI engines in §60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE. Within §60.4202, based upon the engine rated horsepower, the requirements in §60.4202(a)(2) are applicable., which is a requirement for the engine manufacturer to certify that the engine meets the emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants. Refer to permit condition 4.1.64.

#### Mobile Limestone Crushers Operations

The Subpart IIII requirements applicable to the one (1) 440 hp CI engine and two (2) 415 hp CI engines associated with the Mobile Limestone Crushers Operations (Em. Unit ID EP37.15) already have been incorporated into the operating permit as conditions 4.1.50. through 4.1.55., 4.3.5., and 4.5.17. as discussed above concerning 40 C.F.R. 63 Subpart ZZZZ.

#### **Non-Applicability Determinations**

The following requirements have been determined not to be applicable to the subject facility due to the following:

- a. **40 C.F.R. Part 60 Subpart LL** - Standards of Performance for Metallic Mineral Processing do not apply because lime or limestone is not a metallic mineral.
- b. **40 C.F.R. Part 60 Subpart UUU** - Standards of Performance for Calciners and Dryers in Mineral Industries do not apply because lime or limestone is not listed as a mineral processed or produced in a mineral processing plant.
- c. **40 C.F.R. Part 72** - Acid Rain Program General Provisions does not apply to the permittee because it is not considered a Title IV (Acid Rain) Source.
- d. **40 C.F.R. Part 64 – Compliance Assurance Monitoring (CAM)**. The first rule applicability criterion at 40 C.F.R. §64.2(a)(1) states that “*The unit is subject to an emission limitation or standard for the applicable regulated air pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt under paragraph (b)(1) of this section;*” 40 C.F.R. §64.2(b)(1)(i) grants an exemption from CAM, on a pollutant-specific basis, to emission units that are subject to “*Emission limitations or standards proposed by the Administrator after November 15, 1990 pursuant to section 111 or 112 of the Act.*” According to Attachment H of the renewal application, all emission units at the plant are subject to one of the following federal regulations: NSPS Subpart OOO, NSPS Subpart Y, NSPS Subpart F, and NESHAP MACT Subpart LLL. Since these regulations were proposed after November 15, 1990, all of the emission units qualify for the exemption at 40 C.F.R. §64.2(b)(1)(i) and are therefore not subject to requirements of 40 C.F.R. Part 64 for their respective emissions of particulate matter and HAPs.

The permittee’s SO<sub>2</sub> scrubber is an air pollution control device. The SO<sub>2</sub> scrubber is part of the kiln system which is regulated by 40 C.F.R. 63 Subpart LLL, and therefore, according to the permittee’s renewal application, is exempt from 40 C.F.R. Part 64. However, this is not a correct conclusion because it overlooks the fact that CAM applies to a *Pollutant-specific emissions unit*, which means an emissions unit is considered separately with respect to each regulated air pollutant (cf. §64.1). Thus, specific pollutants regulated by MACT Subpart LLL are exempt from CAM, but not necessarily other pollutants emitted from the same source that may meet the applicability criteria under §§64.2(a)(1) through (3).

Emissions of SO<sub>2</sub> from the kiln system meet all three applicability criteria at §§64.2(a)(1) through (3). However, the kiln system exhausts to the Main Stack which is equipped with a Continuous Emission Monitor (CEM) for monitoring SO<sub>2</sub>, NO<sub>x</sub>, CO, and THC. Operation of the CEM for these pollutants is required by underlying permit R14-26D, condition B.11., which is already specified in the current Title V permit as condition 4.2.4. Therefore, the exemption criterion at 40 C.F.R. §64.2(b)(1)(vi) is met for SO<sub>2</sub>, NO<sub>x</sub>, CO, and THC the kiln system is exempt from CAM on a pollutant-specific basis for these pollutants.

While the permittee’s PH/PC kiln has potential VOC emissions over 100 tons per year, and it has a VOC limit (permit # R14-0026M, condition A.17.), it does not use a control device to meet the limitation. According to technical correspondence (8/30/2010 email from permittee), it was outlined in Section 4 (Control Technology Analyses) of the September 2009 application for NSR Permit, that the best available control technology for VOC was determined to be good combustion practices. Further, according to the definition of *Control device* at 40 C.F.R. §64.1, “For purposes of this part, a control

device does not include ... the use of combustion or other process design features or characteristics". Without a control device the applicability criterion at 40 C.F.R. §64.2(a)(2) is not met and CAM does not apply on a pollutant-specific basis to VOC emitted from the PH/PC kiln.

- e. **40 C.F.R. 97 Subparts AAAAA, BBBBB, and CCCCC – Transport Rule (TR) Requirements.** The Martinsburg Plant is not subject to 40 CFR 97 Subparts AAAAA, BBBBB, or CCCCC as it does not meet the definition of an affected source under any of the subparts. An affected source is defined as a “stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, on or after January 1, 2005, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.”

### **Request for Variances or Alternatives**

None.

### **Insignificant Activities**

Insignificant emission unit(s) and activities are identified in the Title V application.

### **Comment Period**

Beginning Date: September 1, 2017  
Ending Date: October 2, 2017

### **Point of Contact**

All written comments should be addressed to the following individual and office:

Denton B. McDerment  
West Virginia Department of Environmental Protection  
Division of Air Quality  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone: 304/926-0499 ext. 1221 • Fax: 304/926-0478  
[denton.b.mcderment@wv.gov](mailto:denton.b.mcderment@wv.gov)

### **Procedure for Requesting Public Hearing**

During the public comment period, any interested person may submit written comments on the draft permit and may request a public hearing, if no public hearing has already been scheduled. A request for public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. The Secretary shall grant such a request for a hearing if he/she concludes that a public hearing is appropriate. Any public hearing shall be held in the general area in which the facility is located.

### **Response to Comments (Statement of Basis)**

#### **Public Comments**

No comments were received from the public, which includes the permittee.

#### **U.S. EPA Comments**

Mr. Paul Wentworth with U.S. EPA Region III provided the following in an e-mail on October 11, 2017.

I have performed a comprehensive review of the above title V renewal. Besides the review of the permit, my review also included:

A review of the application  
Review of the monitoring plan included with the application  
Review of the Fact Sheet

My review revealed the monitoring plan was detailed, comprehensive and addressed all the requirements of MACT subpart LLL (Cement MACT). The application also addressed all the applicable requirements for this facility. The fact sheet provided a clear explanation and justification for the inclusion of the MACT and NSPS applicable requirements as well as justification for the requirements deemed non-applicable. For example, there was a detailed explanation regarding interaction between NSPS subpart F and MACT Subpart LLL and a clear delineation of the reason that the NO<sub>x</sub> requirement in NSPS Subpart F did not apply to this facility of which EPS concurs. The explanations in the fact sheet showed a thorough understanding of both the history of the plant regarding changes and modifications and the history of the changes in the federal rules regarding Cement plants.

This was a very complex permit containing upwards of 200 emissions units. The review established that all required emission limits were incorporated into the permit along with the associated monitoring, record keeping and reporting requirements. Therefore I can find no reason to object to the issuance of this permit and commend the permit writer for the fine job they did in developing this renewal.